

## BOARD OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
Website: [www.fire.ca.gov/bof/licensing](http://www.fire.ca.gov/bof/licensing)  
(916) 653-8031



### MINUTES BOARD OF FORESTRY AND FIRE PROTECTION March 5 and 6, 2001 Sacramento, California

#### MEMBERS PRESENT:

Stan Dixon, Acting Chair  
Mark Bosetti  
Robert Heald  
Kirk Marckwald  
Tharon O'Dell  
Paula Ross  
Gary Rynearson  
Norman Waters

#### BOARD STAFF PRESENT:

Christopher P. Rowney  
Executive Officer  
Daniel R. Sendek  
Executive Officer, Foresters Licensing  
Donna Stadler, Executive Assistant

#### DEPARTMENTAL STAFF:

Andrea Tuttle, Director  
Ross Johnson, Deputy Director  
Resource Management  
Dean Lucke, Assistant Deputy Director  
Gerald Ahlstrom, Forest Practice Staff Chief  
Doug Wickizer, Regulations Coordinator

#### CALL TO ORDER

Acting Chair Dixon called the March 2001 meeting to order.

#### APPROVAL OF MINUTES

Acting Chair Dixon asked for approval of the February 2001 Board minutes.

**01-03-1** Mr. O'Dell moved to approve the February 2001 as presented. Mr. Heald seconded the motion, and all were in favor.

#### REPORT OF THE INTERIM COMMITTEE

Mr. Heald, Chair of the Interim Committee, said that there was a discussion of public disclosure and Option A. Concerns expressed by the Mendocino County Board of Supervisors, which seek

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more public review. CDF reviewed the process and options available for the County and for public involvement. Mr. Heald reported that the Stewardship Committee met in Davis on February 18 and 19, 2001, and there will be another meeting on March 26, 2001, also in Davis. He said that there was then a discussion on the State Water Quality Board amendments to PRC 1104 and the emergency process. There were no resolutions, however, one more meeting should resolve the issue. He said that the Department of Fish and Game reported that the FRAWG would be started up again in June.

### **RESOURCE PROTECTION COMMITTEE (RPC)**

Acting Chair Dixon and Chair of the RPC, said that the Committee received reports from the Chief Deputy Director and the Regional Chiefs regarding their activities. The Assistant Deputy Director for Fire Protection reported that there were concerns over the model 14 and 15 engines overheating and whether it was the Department's problem or the manufactures. The State Fire Marshal reported that the state has 33,000 state-owned buildings under its jurisdiction.

Acting Chair Dixon said that Ray Quintanar from the Forest Service would be reporting on the hose coupling issue to the full Board tomorrow. The Department of Fish and Game reported on its activities. He said that there was also some discussion regarding legislative bills.

Mr. Bosetti said that there was a request from the Governor's Office regarding CDF's costs on powerline fires; where would the clearance requirements fall; and what are the costs of clearance for the utilities. The Department of Water Resources would be responsible for clearances and the costs for the utilities runs approximately 60 million dollars per year.

### **PUBLIC FORUM**

Mr. Peter Ribar representing Hawthorn Timber Company, said that Hawthorn has owned 194,000 acres for about one and a half years. They are still in the process of development. Hawthorn is using the cooperative approach meeting with agencies and neighbors. The EPA is cooperating on the TMDLs, and NMFS and DFG were asked to review the THPs. There was a meeting with the Mendocino Redwood Company to discuss cooperative management practices. A watershed manager with extensive background has been added to the staff.

Mr. Richard Gienger said that it was important for the Stewardship Committee to have CDF's NTMP report. He read a portion of the report into the record. He believes that the Native American Advisory Committee needs to be reinstated. He said that there was a need to move on the watershed assessment analysis and get personnel in place and recovery plans moving.

Ms. Traci Thiele, Humboldt Watershed Council (HWC), reported that the Water Quality hearings had been canceled and that no new date has been set. She believes that it is time to put together a panel of experts to identify guidelines for rate of harvest. She said that there has been flooding of an apple orchard because the siltation of the channel has raised the water level and is drowning the trees. Ms. Thiele said that she took Bill Trush's training course and was impressed. She believes that it should be easy to develop a rate of harvest.

Mr. Bob Rynearson, Beaty and Associates, welcomed the new Board members and invited the Board up to the Northern part of the state to see what was going on there. He said that two of Beaty and Associates' larger landowners had just completed their SYPs. There is a lot of good forestry going on and he encouraged the Board to encourage long-term management.

Mr. Richard Gienger reported that PALCO had settled a lawsuit for 3.3 million dollars.

## **REPORT OF EXECUTIVE SESSION**

Acting Chair Dixon said that during the Executive Session the Board considered some action items, but would need to resume the Executive Session later in the day and would report its actions at that time.

## **REPORT OF THE CHAIRMAN**

Acting Chair Dixon suggested that during the Board's discussion later today regarding standing committee assignments the Board establish an Ad Hoc committee to shepherd the watershed assessment review and development process. He then congratulated Member Ryneerson on his Senate Rules Committee confirmation.

Mr. Ryneerson said that Senate Rules Committee hearing was on April 21 and chaired by Senator Burton. He wanted to extend his thanks to Senator Chesbrough who provided a warm introduction. The Senator sent a clear message back to the Board regarding the clear-cutting issues in the Sierra. He also expressed concern regarding the watershed assessment measures and encouraged the Board to go forward. He said that there needs to be leadership on those issues or the Board could have to go through the initiative process.

## **DIRECTOR'S REPORT**

Dr. Andrea Tuttle, Director of the Department Forestry and Fire Protection, reported that the Legislature is back in session. The Department's deficiency bill for 25 million dollars from 2000 has been signed. The Legislature is focusing on Board of Forestry and Fire Protection and resource issues. There are several bills related to forestry activities. The Legislative Analyst's Office has requested information on research and demonstrations on state forests. The Department will bring to the Board the Jackson Demonstration State Forest management plan in May.

Director Tuttle reviewed several bills currently before the Legislature. SB 234 would create a state forest commission as an oversight to the Board and review forest policy. The Commission would consist of seven members: three would be appointed by the Governor, representing the academic community and large and small forest landowners; two members appointed by the Senate Rules Committee representing academic and environmental interests; and two members appointed by the Speaker of the Assembly, including an environmental representative and a federal agency scientist with California forestry experience. The bill would require the commission to review and make recommendations regarding the qualifications required for members of the Board and other substantive forestry issues. CDF would sit as a non-voting part of the Committee. The Commission would report back to the Legislature and to the Governor by 2003. SB 540 would provide for the Board to adopt emergence regulations for protection of Coho and Steelhead to the standards of NMFS regulations. SB 1154 is a bill that would abolish FRAP. The Department understands that the bill would be used as a spot bill for other issues. She then reported on a number of the Legislature hearings coming up. She also announced that 29<sup>th</sup> Annual Fisheries Forum was coming up on March 14, 2001. That Committee has been Chaired by representatives from the Northcoast.

Director Tuttle said that within the National Fire Plan, 2.9 billion dollars were provided for fire protection, restoration, and prevention. CDF has been involved in the implementation of this plan and will receive 1.2 million dollars in federal funding for 29 fuel reduction projects. She said that an additional request for \$800,000.00 for 12 other project is still pending. There is a

mandate from Congress for the federal land managing agencies to prepare a 10-year strategy to address wildland fire problem in the nation. Congress directed the federal agencies to calibrate with state and local entities. CDF's input has been incorporated into the draft document. The latest draft strategy document will be posted on CDF's web page. Written comments will be accepted through the end of March.

Director Tuttle addressed the issue of harvesting of old growth trees under the exemption provision. This first came to CDF's and the Board's attention as a result of an exemption in Garberville in 1999. The Board held a long hearing a year ago last January. Following the hearing, there was an ad hoc committee formed to discuss old growth in exemptions. That committee met several times on the definition of old growth and exemptions. The old growth exemption has now been rolled into the Board's broader discussions of exemptions. The Department is asking that the Board remove the exemption process for old growth trees and adopt a very simple definition. She provided draft language for the Board's consideration and asked that the issue be taken out of committee, re-noticed, and taken through the hearing process. Since this issue was not put on the Board's agenda, she asked that the Board review the draft language and said that the specific could be discussed at a later date.

### **REPORT OF THE OAK MORTALITY TASK FORCE**

Mr. Mark Stanley, Assistant Deputy Director for Resource Management, introduced the topic.

Mr. Jack Marshall, Co-chairman of the California Oak Mortality Task Force (COMTF) Management Committee, provided a copy of the Interim Integrated Pest Management Guidelines for Sudden Oak Death and reviewed it for the Board. These guidelines and other information will be made available on the California Oak Mortality Task Force website at [www.suddendeadth.org](http://www.suddendeadth.org). He said that the new *Phytophthora* causing Sudden Oak Death (SOD) has been isolated from dying huckleberry plants at Muir Woods and Mt. Tamalpais. It raises a threat to the commercial blueberry industry and the cranberry is also possibly threatened. He said that the SOD *Phytophthora* has also been isolated from Shreve oak in Santa Cruz County.

It is possible for the pathogen to spread via soil and splashing rainwater. There is currently Legislation in the Appropriations Committee for further research. In Salem Oregon, on March 14, 2001, there will be a hearing to determine if the temporary emergency quarantine for SOD that expires on April 4, 2001, should be continued. There have been coordination efforts of federal and state agencies for regulation of the SOD *Phytophthora*. CDFA and the USDA have agreed to put together a management plan for SOD including a regulatory component. On March 13, 2001, a subcommittee will meet in California to put together rule and management recommendations. He noted that there are currently seven counties: Marin, Sonoma, Napa, Santa Clara, Santa Cruz, San Mateo, and Monterey that listed as infested.

Mr. Bill Callison, California Department of Food and Agriculture (CDFA), provided the Board with an update on the efforts of the Department of Food and Agriculture, regarding the SOD syndrome, in identifying the specific pathogen. He said that there would be further discussions within the agencies to look at the overall program structure and regulatory component.

### **UPDATE FROM DEPARTMENT OF FOOD AND AGRICULTURE REGARDING GYPSY MOTH ERADICATION PROGRAM**

Dr. John Henry, California Department of Food and Agriculture (CDFA), said that the Gypsy moth trapping program has been ongoing for the past 25 years. Adult moths have recently been found in San Diego and Marin Counties. Seven adult males have been found in Fallbrook. CDFA has held public meetings with property owners and those properties are being treated--when spraying is complete, traps will be deployed.

## **REPORT OF THE ADVISORY COMMITTEES**

### **CALIFORNIA FOREST PEST COUNCIL (CFPC)**

Mr. Scott Johnson, Chairman of the CFPC, provided background of the CFPC for the new Board Members. He then provided a handout of the CFPC web page ([www.caforestpestcouncil.org](http://www.caforestpestcouncil.org)) showing the type of information available on that site. As a non-profit organization, the CFPC has been handling funding for the Oak Mortality Task Force.

Mr. Johnson said that in late June and early July the CFPC would conduct its Insect and Weed tours in Southern California. The CPFC is also planning for its 50<sup>th</sup> annual meeting in Redding on November 14 and 15, 2001.

There will be a historical presentation on the program. He invited the Board to attend that special meeting.

Mr. Johnson said that the CFPC would be monitoring the SWRCB hearing for the NPDES permit request.

### **REPORT OF THE USDA FOREST SERVICE**

Ms. Christine Nota, USDA Forest Service, said that the Administration transition has been smooth and professional. She said that the appeal period for the Sierra Nevada Framework has one month left before the deadline was complete. She then updated the Board on the payment to states legislation. This payment will stabilize the 25 percent payments that the Forest Service gives to counties on annual bases. The amount that will be going to the 39 counties receiving these funds is 64 million dollars. Part of the legislation requires that the 15 to 20 percent of those receipts to put into project that would benefit national forests or on national forest lands. A federally chartered Resource Advisory Committee would need to be formed. That Committee would advise the Forest Service on how to spend those project dollars on national forest lands. If this works well, it will be used as a model in the future. A lot of the focus is on fuel projections on national forests.

Mr. Ray Quintanar, Director of the USDA Fire and Aviation Management, updated the Board on the National Fire Plan and the quick-turn quick-connect hose-cuppling issue. The Forest Service in California was given a significant increase in its dollars. The Grant program re-institutes the California Fire Alliance that includes a variety of organizations from federal and state organizations. Its effort is to show support for interest in reducing fuel hazard issue around communities. He commended CDF for the excellent work it has done with its Firesafe Councils.

He then said that there are a variety of agencies that are concerned about the hose-coupling issue. This decision was made by the National Wildfire Coordinating Group (NWCG) to change the hose-couplings on the one inch and inch and a half hose that the Forest Service uses. The NWCG represents federal and state interests. It is a hose fitting that can connect a hose a little faster and it could save extra fittings and in the long run money. CDF has been invited to attend a couple of upcoming meetings on this issue. The Forest Service recognizes that there are some concerns that need to be addressed.

### **REPORT FROM OTHER FEDERAL AGENCIES, INCLUDING THE NATIONAL MARINE FISHERIES SERVICE (NMFS)**

Mr. Joe Blum, National Marine Fisheries Service (NMFS), said that the NFS was getting about 40 people on the West Coast under the National Fire Plan to work under the NFP. He said that NMFS was under court order to reach decision on listing the Klamath Mountain Steelhead. In

Seattle, there was a meeting to update current information--trying to base it on best available scientific information. NMFS has spent time in the field on post-harvest inspections and found them very positive.

## **CONTINUED REPORT OF THE ADVISORY COMMITTEES**

### **RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)**

Mr. Tom Randolph, Secretary for RMAC, said that the RMAC held its meeting on February 22 and 23, 2001, in Fortuna. The Committee developed a strategic plan for California forest fuel reduction and looked at various watershed projects. There was some concerns address regarding the Forest Service's decision to go with ¼ turn coupling for its fire hoses. This creates a problem because the standard hose will not be on all fire engines. On the February 23, the Committee toured the Eel and Bear Rivers. RMAC supports the development of watershed groups.

### **MONITORING STUDY GROUP (MSG)**

Mr. O'Dell reported for the MSG. He said that there has been a Reference Watershed Subcommittee meeting set for March 23, 2001, in Sacramento. He reported that THPs and NTMP NTOs have been randomly picked for the 2001 Hillslope Monitoring Program. The screening of THPs at the regional offices will begin on March 2, 2001, in Santa Rosa. MSG staff made a presentation to the Forest Landowners of California (FLOC) Board of Directors on March 1, 2001, on the Hillslope Monitoring Program and the inclusion of NTMPs in this year's work. The FLOC was supportive and stated that it would encourage its members to grant access if requested. Staff will attempt to schedule a meeting of the THP Monitoring Subcommittee in the near future and a full MSG meeting will be scheduled following the subcommittee meetings.

### **PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)**

Mr. Daniel Sendek, Executive Officer for Foresters Licensing, said that the PFEC has not met since the Board's last meeting. The next PFEC meeting will be on March 14, 2001, to review the exam and the 48 applicants set to take the April RPF exam.

Mr. Sendek then said that RPF 2389, Vaughan Landrum, has requested a Voluntary Relinquishment of his license to practice as an RPF in California.

**01-03-2** Mr. O'Dell move to approve the requested for Voluntary Relinquishment of the license of RPF 2389. Mr. Rynearson seconded the motion, and all were in favor.

### **APPOINTMENT OF PUBLIC MEMBER AND SOUTHERN CALIFORNIA FIRE AND WATERSHED COUNCIL REPRESENTATIVE TO RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)**

Acting Chairman Dixon referred to the request for nominations for two positions on the RMAC in the Board's binder. He said that the Board had the opportunity to review each of the nominees prior to today's meeting.

**01-03-3** Mr. Heald moved to re-appoint John Michael Connor to serve a four-year term on the RMAC.

Mr. Rynearson seconded the motion, and all were in favor.

**01-03-4** Mr. O'Dell moved to appoint Leonard Hale to a four-year term on the RMAC. Mr. Rynearson seconded the motion, and all were in favor.

## **EXECUTIVE OFFICERS REPORT**

Mr. Christopher Rowney, Executive Officer for the Board, said that there would be a Watershed Workshop scheduled for April 20 or 21. It will be a one-day workshop held at Blodgett Forest. He then said that it had been suggested that the July Board meeting be held in Riverside. Also, staff is looking at possibly doing a field trip in September in the Sierra to look at silviculture issues. He said that April meeting will be in Sacramento; May in Aptos; June in Yreka; and July will be Riverside. He then said that the Director covered the current Legislation in her report. He will keep the Board advised as to the progress of the Legislative bills as they go through the process.

Mr. Rowney said that he would have a draft of the Resolution for the Cattlemen's Association in a few days for the Board's review.

## **NEW AND UNFINISHED BUSINESS**

Dr. Marty Berbach, Department of Fish and Game (DFG), provided an update on the FRAWG. DFG will be holding a workshop in Korbel on June 5 and 6, 2001. The Workshop will address watercourse identification for salamander and frogs. He said that FRAWG is attempting to develop sub-groups to deal with these issues.

## **BOARD DISCUSSION OF STANDING COMMITTEE ASSIGNMENTS**

Acting Chair Dixon lead a discussion with the Board regarding the reactivation of the Ecosystem Committee. He asked the Members is there was any thought as to having an Ecosystem Committee or a Special Committee to deal with watershed assessment issues.

Mr. O'Dell said that in the current committee structure would not allow the detailed focus necessary for this item unless you made a subcommittee. If there was some way to direct several views and energies, it could be through reestablishing a standing committee or a subcommittee of the Board, he believes that watershed assessment issues could be kept moving.

Mr. Heald agreed with Member O'Dell and said that if the Board is going to do this work, then the members would have to have some discussion time to pull something together or have staff support to do it, or it will come from somewhere else. Unless Board members who are able to spend the time to draw information together and make proposals as well as listen to information, or staff who can take direction and draw something up are available then it will be difficult producing products.

Mr. Ryneanson was supportive of an additional committee to focus on a workable watershed assessment package.

Mr. O'Dell said that there was too much for the Interim Committee to focus on.

Mr. Heald said that there were other issues that would benefit by the Committee format.

Mr. Bosetti suggested that during the three-day Board meeting, there be more time on Committees and less on full Board meeting.

Acting Chair Dixon thanked the Members for the discussion.

Mr. O'Dell suggested getting started on the WEMA through a committee.

**HEARDING: TO CONSIDER AMENDMENT OF SECTION 1037.5(f), TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS**

Mr. Christopher Rowney, Executive Officer of the Board, introduced the topic and provided background for the new members. He noted that he had sent to all members all the comments received to date.

Mr. Chuck Ciancio provided a handout and reviewed some background for the benefit of the new members. He asked that the Board in considering this package look at the logic of the proposal. Federal agencies have stated that they are not required to abide by the rules and regulations covered by the harvest plan review and approval process. He provided several letters of support from foresters, industry, and landowners for Alternative One. He then summarized several points from a letter dated March 1, 2001. 1) Public agencies have stated rule changes are not needed because the current regulations and processes already do what is required. He believes that the comments presented on this package indicate that there is a problem with mitigations being adequately explained and justified. 2) Alternative One of the proposed rule change is the most appropriate version to be used. It clearly describes simple, specific, and easy to understand things that need to be done. 3) The current process requires all mitigation and protection measures be explained and justified based on the information provided during the review process. The proposed rule requires that explanation and justification information be put in writing. 4) He does not believe that field inspectors are the problem. The proposed rule change would allow for savings in time spent by everyone during the review process. 5) Education of all parties in a forum that creates a lasting understanding of what is needed in the field would bring stability to the process.

Mr. Ciancio then read a letter dated February 28, 2001, from Jeff and Patti Tienken, expressing concern over the cost of regulations to submit a timber harvest plan into the record. This letter is on file at the Board Office.

Mr. Dean Lucke, Deputy Director for Forest Practice, referred to the Director's letter and several examples of THPs with mitigation measures in the Board's binder. CDF believes that regulation changes are not necessary. Existing language allows for required Review Team mitigation explanation. CDF is meeting with agencies to discuss types of Pre-harvest Inspection (PHI) questions. Alternative one defines information that is to be provided. He said that not all mitigations recommended need to be included in the final THP. The Department tries to avoid non-concurrence but will do so if needed. He said that Alternative three would be business as usual. CDF is working with the Department of Fish and Game (DFG) on raptor and mitigation survey requests.

Mr. Bosetti asked if the Department allows agencies to work with the submitter or does CDF believe that role should be filled by the Review Team leader.

Mr. Lucke said that it would depend on what was appropriate. Some mitigations can be modified to reduce work. Information requests do not always require surveys. CDF determines if a request is warranted, the Review Team Chair would write the letter.

Mr. Lucke said that PHIs were sent to the Review Team Chair and to the RPF preparing the plan. He said that when agencies get new staff that is when issues on requested information usually occur--that is where education comes into play. CDF is working with agencies on this issue.

Mr. Heald said that Alternative three provides for specific inclusion of "in writing."

Mr. Lucke said that it does and that would be all right.



Dr. Marty Berbach, Department of Fish and Game (DFG), said that DFG concurs with CDF's position on the package. He read sections of the statute into the record and said that DFG believes that the intent of the proposed package already exists in regulation and statute.

Mr. Gaylon Lee, State Water Resource Control Board (SWRCB), was in support of the CDF and DFG comments. SWRCB believes that some of the problems stem from the influx of personnel changes. Rule changes are not necessary, however, education is needed. He said that Alternatives one and two are not appropriate because they require that all proposals are supported, not just controversial ones, and they also lack clarity. The proposed rule would change the function of the Review Team. Alternative three is palatable, but not needed.

Ms. Trinda Bedrosian, Department of Mines and Geology (DMG), provided a letter and reviewed it for the Board. The letter from James F. Davis, State Geologist, stated that the over-riding regulatory authority for all recommendations lies within CEQA. DMG would not object to Alternative three.

### **CONTINUED REPORT OF EXECUTIVE SESSION**

Acting Chair Stan Dixon said that the Board acted on items discussed in Executive Session.

Mr. Christopher Rowney, Executive Officer for the Board, said that during closed session, the Board discussed case 277 involving Brian F. Anchor, RPF 1849, out of Fortuna. The allegations were acts of fraud, deceit, gross negligence, misrepresentation, and material misstatement of fact in processing and implementation of a substantial deviation from an approved THP. The authority for the Board's action is in Public Resources Code §775- 778, subsection (b) and PRC 4583.5. A hearing was held in January 2001 and the proposed decision was the item before the Board in closed session. The action taken affirmed the factual findings and legal conclusions made by the Administrative Law Judge. The Board, pursuant to Government Code 11517(c) 2 (b), mitigated the proposed penalty and directed that the RPF's license to practice forestry be revoked with said revocations stayed for a period of two years. During the first year, the RPF's license is suspended, and during the second year, the RPF will be on probation. In the event of substantial failure of the RPF during the term of this order, the Board will initiate proceedings to revoke the license to practice forestry.

Mr. Dan Sendek, Executive Officer for Licensing, said that in Executive Session the Board reconsidered the current open disciplinary cases against two RPFs. Both RPFs are presently on license probation as a condition of disciplinary action previously approved by the Board. In both cases it had been alleged that there had been a violation in the terms of probation, specifically, "to comply with all laws and regulations relating to professional practices of forestry." In the first case the bases of the alleged violations consisted of violations of 14CCR 1035.1(a) RPF Responsibility; and 14CCR 1035.2 (b) interaction between RPF and the LTO. Based on the facts and evidence, the Board directed staff to initiate proceeding that may result in the revocation of probation. Until this matter is resolved, this identity of the RPF remains confidential. In the Second case, the bases of the alleged violation probation consisted on of a violation of 14CCR 1035.1 Registered Professional responsibility. Based on the facts and evidence, the Board chose to issue a private reprimand to the RPF as a caution against professional failures of a similar nature in the future. Per 14CCR 1612.2(b) 3, the identity of the RPF is considered confidential and not subject to public release.

### **Public Comments on consideration of amendment of section 1037.5(f), title 14 of the California Code of Regulations**

Mr. Mark Rentz, California Forestry Association (CFA), encouraged the Board to adopt Alternative one with some minor amendments. He said that in the past, the rules gave more responsibility to

the RPF and more work on the ground. A past BCP provided for funds to staff Review Team Agencies, but the new personnel are in need of training. CFA is asking that the same standards apply to Review Team Agencies as to RPFs in order to justify proposals.

Mr. Dave Hammons, California Licensed Forestry Association (CLFA), said that CLFA was in support of Alternative one. Its members have had problems in the past regarding recommendations by the Review Team not being justified or supported.

Mr. Stephen Launi, RPF, spoke in support of Alternative one. He said that there was a need to codify the process step by step—he provided the Board with examples.

Mr. Mark Anderson, RPF, spoke in support of Alternative one. He said that by adopting Alternative one, authority, consistency, and clarity would be added.

Mr. Richard Gienger said that there was room for more specifics. He said that Section 4582.6 (b) of the Forest Practice Rules (FPR) requires agencies to provide reasoning for requests. He believed that a better approach would be to change Section 897 (b) of the Forest Practice Act by adding “a review by Review Team personnel and the plan submitter” to the language. He then expressed concern over Alternative three.

Mr. David Van Lennep, RPF, believes there is a need to equalize the amount of scrutiny in the process.

Mr. Peter Ribar, Campbell Timberland Manager, said that Campbell Timberland supports Alternative one with some changes. He believes that CDF is not given the opportunity to screen mitigations from other agencies. The RPF is being asked to provide information prior to the second review. He believed that points from Alternative three, as described in the CFA letter, could be incorporated into Alternative one. There is a need to address how the process actually functions. Also that an on-site agreement should be provided as an alternative.

Mr. Andy Westfall, Buckeye Conservancy, urged the Board to adopt Alternative one in order to further mutual goals of maintaining open space, achieve reasonable regulatory relief for family forest landowners, and slow land-use conversions.

Mr. Dan Weldon, Forest Landowners of California (FLOC), spoke in support of Alternative one. He said that the cost of a plan was greater than the revenue.

Mr. Peter Twight, RPF, provided a letter for the record and spoke in support of Alternative one. He said that there was no accountability in the THP process unless an appeal is brought to the Board of Forestry. He believes that justification needs to be in writing. He said that the Department of Fish and Game is not willing to cite the stream data that it has on its water temperatures and fish numbers. That information is important and should be made available. Alternative one moves in that direction.

Mr. Bernie Bush, Simpson Timber Company, said that there is a no risk management philosophy by agencies. Getting THPs through the process in a timely manner is important. There are significant problems. This is a process issue. Business as usual, as is Alternative three, will not fix the problem. Review Team agencies need to provide justification for request so that the RPF can respond.

Mr. Steven Horner, Barnum Timber Company, spoke in support of Alternative one. The Department of Mines and Geology’s reports are well cited. He said that it was had to explain agency justification to employers. He urged the Board to adopt Alternative one.

Mr. Ed Murphy, Sierra Pacific Industries (SPI), said that agencies need to justify requests. It is not unusual to have a process that lasts for nine months. The lead agency needs to use the rules to require justification, and build trust by bringing information forward.

Mr. Jim Branham, PALCO, said that PALCO could support Alternative one with the changes suggested by CFA. He read the North Coast Water Quality Control Board's comments into the record. He acknowledged that it was a difficult process and urged the Board to adopt Alternative one.

Ms. Val Stansberry, Buckeye Conservancy, said that the proposed rule package addresses liability and accountability. She spoke in support of Alternative one.

Mr. Roy Richards, RPF, said that he believes that Alternative one would expose and halt underground regulations that were taking place. He cited an example illustrating where a problem could have been prevented if the person asking for the mitigations knew the law. He urged the Board to adopt Alternative one.

Mr. Eric Huff, Big Creek Lumber, said that Big Creek Lumber supports Alternative one with the CFA changes.

Mr. Kent Stromsmoe said that the Review Team is an advisory to the Director and not to the RPF. Agencies have inadequate staff to participate in the review process. He supports Alternative three.

Mr. Bob Sneider, California Regional Water Quality Board Chairperson, said that he was there just to observe.

Mr. Paul Violet, Soper Wheeler and CLFA, spoke in support of Alternative one.

**01-03-5** Mr. Heald moved to close the public hearing. Mr. O'Dell seconded the motion, and all were in favor.

Mr. Lucke said that he could understand the frustration. The biggest issue is the lack of education. CDF believes that Alternative three would be the way to go.

Mr. Heald said that the Department needs to decide on quality and need. He cited several public comments saying that the justification should be in writing. He did not think that it was an unreasonable request. He expressed concern regarding the language in Alternatives one and two. CDF should sort out whether agency or the RPF justification is warranted. He preferred Alternative three. The basis for mitigations should be in writing and consistent with existing rules.

Mr. Waters said that based on the testimony received, something should to be done.

Mr. O'Dell does not believe that the process was working, as it should. There is a need for written justification to support changes to THP submitted for approval. The inexperienced personnel requesting mitigations without support was a problem. He believed that there should be accountability.

Mr. Ryneanson said that if landowners asked for above and beyond mitigations, justification by agencies should be required. He believed that Alternative one was overly onerous.

Mr. Bosetti said that he concurred with Member Heald's comments. The Department should do a better job in challenging the agencies proposals. CDF needs to be the lead agency.

Acting Chair Dixon said that there was a very clear message today that the wants do not match the deeds and that the process does not work very well. He could not support Alternative one, only some of two, but believes that Alternative three is workable.

Mr. Heald said that there was a need to provide adequate basis for making a statement. The finding should include the description of the bases for the request.

Mr. O'Dell said that there was a need to decide what the standards would be.

Mr. Rynearson said that he believed the elements are in the Forest Practice Act.

**PRESENTATION BY THE UNIVERSITY OF CALIFORNIA FOREST PRODUCTS LAB (UCFPL)  
ON ITS PROGRAMS RELATING TO BIOMASS UTILIZATION, WOOD DURABILITY, AND FIRE  
MITIGATION.**

Dr. John Shelly, University of California Cooperative Extension, provided the Board with literature from the Forest Products Laboratory and a Power-Point presentation on Biomass Utilization, Wood Durability, and Fire Mitigation. He said that the Lab was well suited for this testing. He then gave an overview of the program.

Dr. Stephen Quarles, University of California Agriculture & Natural Resources, Wood Durability Advisor, said that the challenge with Wood Durability was to make wood products that stand the test of time.

Mr. Kenneth Blonski, University of California Agriculture & Natural Resources, Fire Mitigations Advisor, said that the focus was on fire mitigation. He provided a presentation on the problems related to the growth in the urban areas.

**ADJOURNMENT**

Acting Chair Dixon asked for a motion to adjourn.

**01-03-6** Mr. O'Dell moved to adjourn the March 2001 Board of Forestry and Fire Protection meeting.

Mr. Rynearson seconded the motion, and all were in favor.

Respectfully submitted,

ATTEST:

Christopher P. Rowney  
Executive Officer

Stan Dixon  
Acting Chair

Copies of the attendance sheet can be obtained from the Board Office.